

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT H. KOONS, JR. and SALLY KOONS, his wife,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	JURY TRIAL DEMANDED
PIEDMONT HAWTHORNE AVIATION, HAWTHORNE:	:	
A-B-E, INC., n/k/a HAWTHORNE AIRPORT	:	
SERVICES, INC., and PIEDMONT HAWTHORNE	:	No. 02CV2739
HOLDINGS, INC.,	:	
	:	
Defendants.	:	

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’ MOTION
TO SHORTEN TIME FOR DEFENDANTS TO RESPOND TO PLAINTIFFS’ MOTION
TO PERMIT CREATION OF TRIAL EXHIBITS FROM ACCIDENT WRECKAGE**

The Court should grant plaintiffs motion to shorten time for Defendant Piedmont Hawthorne to file a response to Plaintiffs’ Motion to Permit Creation of Trial Exhibits from Accident Wreckage. Pursuant to the Local Rule of Civil Procedure 7.1, the Court may direct a party to respond to a motion in a time period other than the 14 days articulated by Rule 7.1.

On October 23, 2003, Plaintiffs filed a motion seeking the Court’s permission to create trial exhibits from the accident wreckage in order to assist plaintiffs and their experts in the presentation of critical evidence and testimony to the jury. Under normal motion practice, defendants would respond to plaintiffs’ motion within 14 days. L. R. Civ. P. 7.1. In this case, however, the normal practice is problematic because the trial is scheduled to begin on November 17, 2003, which will result in Plaintiffs’ motion not being decided until the eve of trial; thus, making the relief requested difficult to accomplish without disruption of the trial date. Shortening the response time will provide the Court ample time to consider Plaintiffs’ motion,

hear arguments from the parties, and, should the Court be so inclined, permit Plaintiffs to begin creating the trial exhibits it needs before trial begins on November 17, 2003.

Shorting Defendants' time to respond to Plaintiffs' motion will not prejudice Defendants because Plaintiffs' motion does not assert complicated issues of law or fact, which would require extensive research and legal analysis. In addition, Defendants will not be prejudiced because it was Defendants who have objected to Plaintiffs' request to create trial exhibits, and defendant does not have the burden of proof at trial. Consequently, Plaintiffs will be prejudiced without a shorter time for defendant to respond because Plaintiffs will be deprived of the opportunity to effectively prove their case to the jury.

For the reasons set forth in Plaintiffs' Motion to which is incorporated herein, Plaintiffs respectfully request this Court to order Defendants to respond to Plaintiffs' Motion to Permit Creation of Trial Exhibits from Accident Wreckage on or before Wednesday, October 29, 2003.

Respectfully submitted,

WOLK & GENTER

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